

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Terrance J. Feaster,	:	
	:	Case No. 1:22-cv-453
Plaintiff,	:	
	:	Judge Susan J. Dlott
v.	:	
	:	Order Adopting Report and
Annette Chambers-Smith, <i>et al.</i> ,	:	Recommendation and Denying Motion
	:	for Sanctions
Defendants.	:	

This matter is before the Court on the Report and Recommendation (Doc. 43) entered by Magistrate Judge Peter B. Silvain, Jr. recommending that Plaintiff's Motion for Sanctions (Doc. 26) be denied. Plaintiff sought sanctions under Federal Rule of Civil Procedure 11(b) against defense counsel D. Chadd McKittrick asserting that he misrepresented whether he represented Defendant Greg Holdren. Plaintiff did not specify the nature of the sanctions sought. The Magistrate Judge determined that sanctions were not appropriate. Plaintiff did not file objections.

Title 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b)(1) authorize magistrate judges to make recommendations concerning dispositive motions that have been referred to them. Courts in the Sixth Circuit have treated Rule 11 motions for sanctions as dispositive for purposes of § 636(b)(1)(B). *See Annabel v. Erichsen*, No. 15-10345, 2018 WL 4854098, at *1 (E.D. Mich. June 1, 2018), *report and recommendation adopted*, 2018 WL 3751445 (E.D. Mich. Aug. 8, 2018); *Nisus Corp. v. Perma-Chink Sys., Inc.*, No. 3:03-CV-120, 2006 WL 8442853, at *5 (E.D. Tenn. Aug. 1, 2006). When no objections are filed, "[t]here is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review [the] magistrate's report." *Thomas v. Arn*, 474 U.S. 140, 152 (1985); *see also Weir v.*

Centurion, No. 3:19-CV-00131, 2021 WL 5165930, at *1 (M.D. Tenn. Nov. 5, 2021) (“The district court is not required to review, under a de novo or any other standard, those aspects of the report and recommendation to which no objection is made.”). Still, some district courts follow the Advisory Committee Notes to Rule 72(b) and review the report and recommendation for clear error. *See e.g., Roane v. Warden of Corr. Reception Ctr.*, No. 2:22-CV-2768, 2022 WL 16535903, at *1 (S.D. Ohio Oct. 28, 2022); *Lassiter v. Dullaghan*, No. 1:10-CV-010, 2011 WL 110259, at *1 (S.D. Ohio Jan. 13, 2011). “The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3); *see also* 28 U.S.C. § 636(b)(1) (substantively similar).

The Court reviewed the parties’ filings on this matter and concludes that the Magistrate Judge made no clear error in finding that Rule 11 sanctions are inappropriate here. Accordingly, the Report and Recommendation (Doc. 43) is **ADOPTED**, and the Motion for Sanctions (Doc. 26) is **DENIED**.

IT IS SO ORDERED.

BY THE COURT:



Susan J. Dlott
United States District Judge